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E.O. 12356: DECL: OADR
TAGS: PREL, PHUM PREF, ETRD, RO
SUBJECT: SENATE HEARINGS ON ROMANIAN MFN

REF: STATE 59898

1. C - ENTIRE TEXT

2. SUMMARY: SENATE COMMITTEE HEARINGS ON ROMANIA
FEBRUARY 26 PROVIDED A FORUM FOR SENATOR TRIBLE TO PUSH
HIS BILL ON TEMPORARY SUSPENSION OF MFN FOR ROMANIA.
ALTHOUGH TESTIMONY DEALT ALSO WITH EMIGRATION,
STRATEGIC CONSIDERATIONS AND HUMAN RIGHTS, TRIBLE
CONCENTRATED UPON RELIGIOUS RIGHTS FOR CHRISTIAN
GROUPS. THREE OF THE SENATORS ATTENDING THE HEARING
VOICED THEIR SUPPORT FOR THE BILL, AS DID THREE
REPRESENTATIVES WHO TESTIFIED. TRIBLE'S PRINCIPAL
MESSAGE WAS THAT MFN RENEWAL WILL NO LONGER BE
AUTOMATIC ABSENT SOME GOOD FAITH IMPROVEMENT IN HUMAN
RIGHTS FROM THE GOR. END SUMMARY.

3. SETTING: THE SUBCOMMITTEE ON EUROPE OF THE SENATE
FOREIGN RELATIONS COMMITTEE, CHAIRED BY SENATOR
PRESSLER, HELD HEARINGS FEBRUARY 26 ON U.S. RELATIONS
WITH ROMANIA. SENATORS DODD, HELMS, PELL, AND CRANSTON

MADE BRIEF APPEARANCES, BUT THE BULK OF THE QUESTIONING
WAS CARRIED BY TRIBLE, WHO IS THE AUTHOR OF A BILL TO
TEMPORARILY SUSPEND MFN STATUS FOR ROMANIA FOR SIX
MONTHS. THE COMMITTEE HEARD TESTIMONY FROM
REPRESENTATIVES OF THE DEPARTMENT OF STATE, DEPARTMENT
OF COMMERCE, U.S. TRADE REPRESENTATIVE, HELSINKI WATCH,
A HUNGARIAN-AMERICAN ORGANIZATION, TWO CHRISTIAN GROUPS
ACTIVE IN ROMANIA, AND CONGRESSMEN SMITH, HALL, AND
WOLF. BESIDES TWO ROMANIAN EMBOFFS, OBSERVERS INCLUDED
REPRESENTATIVES OF THE CZECH, BULGARIAN AND SOVIET
EMBASSIES.

4. ALTHOUGH THE ANNOUNCED TOPIC OF THE HEARING WAS
BROADER, TRIBLE MADE IT CLEAR IMMEDIATELY THAT HE
INTENDED TO PROMOTE HIS BILL. HIS OPENING STATEMENT
STRESSED THAT OUR CURRENT POLICY TOWARD ROMANIA IS A
FAILURE, OVERLY INFLUENCED BY THE "MYTHICAL

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INDEPENDENCE" OF ROMANIA. HE PUT THE DEPARTMENT AND THE GOR ON NOTICE THAT EXTENSION OF MFN WAS NO LONGER "AUTOMATIC", MAINTAINING THAT WE CAN NOT CONDUCT BUSINESS AS USUAL WITH A REGIME WITH SUCH AN ABYSMAL RECORD IN HUMAN RIGHTS. HE SPECIFICALLY CITED THE GOR'S ACTIVE ANTI-RELIGIOUS POLICY AND ITS DENIAL OF BASIC FREEDOMS OF SPEECH AND PRESS. HE ALSO CLAIMED THAT THE GOR COOPERATED WITH THE KGB TO STEAL WESTERN TECHNOLOGY AND TRAINED AND SUPPORTED THE PLO AND "OTHER TERRORISTS."

5. STATE TESTIMONY: COUNSELLOR DERWINSKI AND DAS PALMER TESTIFIED FOR THE DEPARTMENT. DERWINSKI LED OFF WITH A BRIEF STATEMENT DESCRIBING U.S.-ROMANIAN DISCUSSIONS OF EMIGRATION AND HUMAN RIGHTS ISSUES, FOCUSING UPON ISSUES STRESSED BY THE SECRETARY IN BUCHAREST ON DECEMBER 15, AND SUBSEQUENT DEVELOPMENT OF THOSE ISSUES BY DERWINSKI AND AMBASSADOR KIRK. PALMER'S SUMMARY OF THE STATEMENT PREPARED BY AMBASSADOR RIDGWAY (REFTEL) FOCUSED ON ROMANIA'S RELATIVELY DIVERGENT FOREIGN POLICY, THE DEPLORABLE CONDITION OF ROMANIA'S HUMAN RIGHTS SITUATION, AND THE LIMITED, BUT POSITIVE, ACHIEVEMENTS IN HUMAN RIGHTS BROUGHT ABOUT BY THE MFN LEVER. UNDER QUESTIONING FROM PRESSLER, PALMER DESCRIBED OUR EXTENSION OF MFN AS A DECISION BASED UPON THE COMBINED CONSIDERATIONS OF ROMANIA'S FOREIGN POLICY AND SECURITY POSITIONS AND ITS PERFORMANCE ON EMIGRATION. PALMER REFUTED MANY OF TRIBLE'S SPECIFIC CONTENTIONS ON ROMANIAN COLLUSION WITH THE USSR (PARTICIPATION IN WARSAW PACT MANEUVERS, DIVERSION OF TECHNOLOGY, ETC). WITHOUT ACCEPTING PALMER'S REBUTTALS, TRIBLE ARGUED THAT ROMANIA IS SUCH A MARGINAL PLAYER THAT ITS INDEPENDENCE, EVEN IF GENUINE, WAS INSIGNIFICANT TO U.S. SECURITY INTERESTS. IN THE ABSENCE OF A STRATEGIC ARGUMENT, THE MFN DECISION SHOULD BE BASED ON MORAL GROUNDS, A TEST WHICH ROMANIA CLEARLY FAILS. HE COMPARED HIS BILL TO THE SANCTIONS BILL AGAINST SOUTH AFRICA, A COUNTRY WHICH, HE SAID DOES NOT ENJOY MFN. PALMER COUNTERED THAT EMIGRATION IS ALSO AN ISSUE OF MORALITY. HE AGREED THAT SOUTH AFRICA WAS A USEFUL ANALOGY, SINCE IN FACT IT HAS MFN, AND BECAUSE WE SEE ECONOMIC ENGAGEMENT AS A POSITIVE FORCE FOR CHANGE IN SOUTH AFRICA. TRIBLE ACKNOWLEDGED THAT HE HAD BEEN IN ERROR ON SOUTH AFRICAN MFN.

6. SENATOR HELMS APPEARED BRIEFLY TO CASTIGATE ROMANIA'S U.N. VOTING RECORD, WHICH HE DESCRIBED AS WORSE THAN CUBA'S. BESIDES MENTIONING BIBLES-TO-TOILET-PAPER AND THE SOVIET PRESENCE IN ROMANIA, HELMS CALLED AMBASSADOR GAVRILESCU AN "ARROGANT MAN", AND OFFERED TO SUPPORT TRIBLE'S BILL, WHICH HE THOUGHT SHOULD BE EXTENDED TO SIX YEARS.

7. TRIBLE ON EMIGRATION: RETURNING TO THE QUESTIONING, TRIBLE ACKNOWLEDGED THE SUBSTANTIAL NUMBERS OF ROMANIANS WHO HAVE EMIGRATED, BUT SAID HE IS CONCERNED NOT JUST WITH THE NUMBER, BUT WITH THE PROCESS. HE QUOTED EXTENSIVELY FROM THE PREPARED HELSINKI WATCH TESTIMONY ON BRIBES, FORCED PAYMENTS, LOSS OF JOBS, LOSS OF RIGHTS, ETC. HE NOTED THAT ONE OF HIS CONSTITUENTS HAD PAID A BRIBE TO FREE A RELATIVE (COMMENT: HE MIGHT BE REFERRING TO THE VIDRASCU CASE WHICH INVOLVED EMIGRATION TO THE FRG. END COMMENT). DERWINSKI NOTED THAT OUR AGREEMENT WITH THE GOR IS WORKING SATISFACTORILY AND THAT WE SEE NO PATTERN OF CONTINUING HARRASSMENT; IN FACT, THERE HAS BEEN A "SUBSTANTIAL ALLEVIATION OF THE PATTERN OF ABUSE". HE SAID THAT WE ARE SATISFIED WITH THE IMPROVED PROCEDURE, AND THAT WE HAVE NO CURRENT REPORTS OF BRIBERY OR

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EXTORTION. IN THE FACE OF TRIBLE'S CONTINUED SKEPTICISM, DERWINSKI SAID HE WOULD ASK EMBASSY BUCHAREST FOR AN UPDATE ON THE FUNCTIONING OF THE AGREEMENT.

8. MFN-ECONOMIC ASPECTS: THE NEXT WITNESSES WERE JOSEPH DENNIN, ASSISTANT SECRETARY OF COMMERCE FOR INTERNATIONAL ECONOMIC POLICY, AND JAMES MURPHY, ASSISTANT U.S. TRADE REPRESENTATIVE FOR EUROPE. THEY ARGUED FOR MFN ON ECONOMIC AND EMIGRATION GROUNDS. DENNIN ESTIMATED THE REDUCTION IN ROMANIA'S EXPORTS TO THE U.S. CAUSED BY LOSS OF MFN IN THE NEIGHBORHOOD OF 200 TO 300 MILLION USD. THEY STRESSED THAT TEMPORARY SUSPENSION WOULD HAVE THE SAME EFFECT AS PERMANENT SUSPENSION, SINCE THE GOR WOULD RETALIATE, AND THE CERTAINTY OF ENVIRONMENT VALUED BY BUSINESSMEN IN BOTH COUNTRIES WOULD EVAPORATE. THEY AGREED WITH PRESSLER'S STATEMENT THAT ROMANIA, FROM A STRICTLY ECONOMIC VIEWPOINT, HAS BEEN A RELIABLE AND VALUED TRADING PARTNER. TRIBLE HAD NO SUBSTANTIAL ARGUMENT WITH DENNIN AND MURPHY, BUT SIMPLY NOTED THAT HIS INTERESTS WENT FAR BEYOND ECONOMIC CONSIDERATIONS.

9. EMIGRATION RECORD: DAS FOR REFUGEE ADMISSIONS RICHARD ENGLISH LED OFF THE AFTERNOON SESSION WITH AN EXPLANATION OF THE TCP AND SPECIAL TCP PROGRAMS FOR ROMANIA, AND STATISTICS ON THE EMIGRATION OF 150,000 ROMANIANS TO THE U.S., FRG, AND ISRAEL FROM 1975 TO 1985. HE NOTED THAT THIS IS THE LARGEST MOST REGULAR FLOW OF EMIGRATION FROM ANY COMMUNIST COUNTRY WITH THE EXCEPTION OF THE GDR.

10. HUMAN RIGHTS ABUSES: ON THE SAME PANEL WITH ENGLISH WERE GERI LABER, EXECUTIVE DIRECTOR OF HELSINKI WATCH, AND LASZLO HAMOS, OF THE COMMITTEE FOR HUMAN RIGHTS IN ROMANIA. LABER NOTED THAT HELSINKI WATCH HAD ONCE SUPPORTED MFN, BUT IN THE FACE OF WORSENING ABUSES, HAD SWITCHED ITS POSITION LAST YEAR, AND NOW SUPPORTED TRIBLE'S BILL. SHE ADDED A SPECIFIC LIST OF DEMANDS THAT ROMANIA WOULD THEN NEED TO MEET BEFORE HAVING MFN RESTORED:

- REMOVE LEGAL BARRIERS TO CONTACTS WITH FOREIGNERS;
- REMOVE RESTRICTIONS ON RELIGIOUS WORSHIP, INSTRUCTION AND LITERATURE;
- EASE EMIGRATION RULES AND PERSECUTION OF EMIGRANTS;
- STOP SUPPRESSING HUNGARIAN CULTURAL INSTITUTIONS;
- ELIMINATE DISCRIMINATION AGAINST THE ELDERLY IN MEDICAL AND OTHER SERVICES, AND
- PERMIT INDEPENDENT HUMAN RIGHTS GROUPS TO VISIT ROMANIA TO VERIFY IMPROVEMENT.

HER WRITTEN STATEMENT GAVE AN EXHAUSTIVE BREAKDOWN OF ROMANIAN HUMAN RIGHTS ABUSES. HER ORAL TESTIMONY STRESSED THE CASES OF TELEMEN, URSU, BIBLES INTO TOILET PAPER, DISCRIMINATION AGAINST THE ELDERLY, REGISTRATION OF TYPEWRITERS, AND INVASION OF PRIVACY THROUGH FORCED GYNECOLOGICAL INSPECTIONS. SHE SAID THAT EMIGRATION FROM ROMANIA IS HIGHER THAN FROM OTHER COUNTRIES ONLY BECAUSE THE PRESSURE TO ESCAPE AN INTOLERABLE SITUATION CAUSED AN INCREASED DEMAND FOR EMIGRATION. WHEN PRESSED BY PRESSLER TO DOCUMENT THIS, SHE REFERRED ONLY TO HER PERSONAL IMPRESSIONS FROM HER TRAVELS IN ROMANIA. PRESSLER SHOWED A PARTICULAR INTEREST IN THE PROBLEMS OF THE ELDERLY AND ASKED THE DEPARTMENT AND EMBASSY TO FOLLOW UP WITH FURTHER INFORMATION.

10. HUNGARIAN MINORITY: HAMOS FOCUSED ON THE "FORCIBLE DENATIONALIZATION" OF THE HUNGARIANS IN TRANSYLVANIA. HE BLASTED THE STATE DEPARTMENT'S POLICY WHICH, HE SAID, IS BASED ON FALSE PREMISES: ROMANIA REMAINS IN FACT A STALINIST, NEPOTIST REGIME. BESIDES THE CLOSURE

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OF CULTURAL INSTITUTIONS, HAMOS REFERRED SPECIFICALLY TO THE CASES OF FATHER GEZA PALFEY AND THE ACTOR ARPAD VISKY. HAMOS FOUND A SYMPATHETIC QUESTIONER IN SENATOR DODD, WHO EXPRESSED HIS INCLINATION TO SUPPORT THE TRIBLE BILL. DODD NOTED THAT ON PREVIOUS VISITS TO HUNGARY, SEVERAL GOM OFFICIALS HAD THANKED HIM PRIVATELY FOR HIS EFFORTS ON BEHALF OF THE HUNGARIANS IN TRANSYLVANIA. DODD AND HAMOS AGREED THAT THE PROBLEM WAS NOT EMIGRATION FOR HUNGARIANS, BUT CREATING BEARABLE CONDITIONS FOR THEM IN ROMANIA. THEY BOTH CRITICIZED THE DEPARTMENT FOR NOT DOING MORE ON THIS PARTICULAR ISSUE.

11. CONGRESSIONAL CO-SPONSORS: REPRESENTATIVES SMITH, HALL AND WOLF APPEARED TO MAKE A BRIEF STATEMENT AS CO-SPONSORS IN THE HOUSE OF TRIBLE'S LEGISLATION. THEY NOTED THAT 75 TO 80 OF THEIR COLLEAGUES HAD JOINED AS SPONSORS. THEY CITED THEIR TRIP LAST YEAR TO ROMANIA, AND SAID THAT ALL ROMANIANS THEY HAD SPOKEN WITH FAVORED A CUT-OFF OF MFN, SINCE IT COULDN'T POSSIBLY MAKE THE SITUATION WORSE. THEY CHARACTERIZED THEIR INITIATIVE AS A MODERATE APPROACH, TAKEN AS AN ALTERNATIVE TO THE STILL HARSHER MEASURES WARRANTED BY THE ROMANIAN SITUATION.

12. CRI AND CREED: AN UNSCHEDULED WITNESS WAS JEFFREY COLLINS OF CHRISTIAN RESPONSE INTERNATIONAL. AT THE LAST MOMENT, THE SUBCOMMITTEE AGREED TO ADD ANOTHER WITNESS, JOHN CROSSLEY OF CREED. BOTH CITED THEIR LONG EXPERIENCE WITH ROMANIA AND THEIR HIGH REGARD FOR THE OTHER'S WORK BEFORE PROCEEDING TO DISAGREE ON THE ISSUE OF MFN. COLLINS PAID LIP SERVICE TO EMIGRATION, BUT STRESSED THAT OUR POLICY SHOULD BE GEARED TO IMPROVING THE RELIGIOUS AND HUMAN SITUATION SO THAT PEOPLE WOULD NOT FEEL COMPELLED TO EMIGRATE. BACKED BY TRIBLE, HE SAID THAT FATHER CALCIU AGREES WITH THE NEED TO CUT OFF MFN. CROSSLEY EXPLAINED THE RELIGIOUS SITUATION IN ROMANIA IN TERMS OF THE DOMINANCE OF THE ORTHODOX CHURCH, WITHIN WHICH THE VAST MAJORITY OF ROMANIANS PRACTICE THEIR FAITH FREELY. HE NOTED THAT MFN CUT-OFF WOULD NOT ONLY REMOVE OUR ABILITY TO RESOLVE CASES SUCH AS FATHER CALCIU'S, BUT WOULD REMOVE THE "MINIMUM RIGHT" OF THE OPPRESSED, THE RIGHT TO EMIGRATE. ALTHOUGH HE STRESSED HIS LONGER PERSONAL RELATIONSHIP WITH CALCIU, HE DID NOT DISPUTE COLLINS' STATEMENT THAT CALCIU OPPOSES MFN.

13. CONCLUSION: TRIBLE SAVED HIS STRONGEST LANGUAGE FOR THE SUMMATION: THE U.S., WHICH PRIDES ITSELF ON ITS MORAL POSTURE, OUGHT NOT TO DO BUSINESS WITH A REGIME THAT DENIES BASIC HUMAN FREEDOMS. THE ADMINISTRATION SIMPLY HAD NOT MADE ITS CASE CONVINCINGLY, HE SAID. THE ILLUSION OF ROMANIAN INDEPENDENCE IS AT BEST STRATEGICALLY INSIGNIFICANT AND MUST GIVE WAY TO THE PARAMOUNT MORAL CONSIDERATIONS. BY ANY DEFINITION, ROMANIA IS A MORALLY CORRUPT REGIME. EVEN IF MFN SUSPENSION DOES NOT HAVE THE DESIRED EFFECT, SAID TRIBLE, AT LEAST WE HAVE SHOWN THAT MFN WILL NO LONGER BE ROUTINELY APPROVED ABSENT REAL EVIDENCE OF GOOD FAITH PROGRESS.

14. ACTION REQUESTED: (A) EMBASSY IS REQUESTED TO REPORT IN DETAIL ON THE FUNCTIONING OF THE AGREEMENT TO REDUCE HARDSHIPS FOR EMIGRATION APPLICANTS. (B) DEPARTMENT DOUBTS THAT THE TENOR OF THE HEARING WILL BE REPORTED FULLY BY THE ROMANIAN EMBASSY TO BUCHAREST. EMBASSY SHOULD SEEK APPOINTMENTS AT APPROPRIATELY HIGH LEVELS TO CONVEY THE SERIOUS NATURE OF THE CURRENT THREAT TO ROMANIA'S MFN STATUS. SHULTZ

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